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Comments: **Green** is explanatory; **Blue** is for discussion; **Red** is issue remaining to be addressed

Article 14-1: GENERAL PROVISIONS

14-1.1 TITLE

This ~~Cc~~chapter shall be officially known as "~~Cc~~Chapter 14" or Chapter XIV of the City Code of the City of Santa Fe, New Mexico." It also may be called "Chapter 14" or "Chapter XIV" and is referred to throughout this document as "Chapter 14" or "this chapter." ~~This chapter shall become effective on December 24, 2001.~~

Comment [CLG1]: Simplifying naming – either this chapter or chapter 14, correlating changes made throughout

Comment [CLG2]: We are not including history notes in the bill. Coded Systems confirmed that they will insert necessary history notes at the time of codification

14-1.2 AUTHORITY

~~((A))~~ ~~_____~~ This ~~Cc~~Chapter 14 is adopted pursuant to the enabling authority contained in ~~New Mexico Statutes Annotated, 1978, and specifically §§~~Sections 3-17-1 through 3-17-6, ~~Sections NMSA 1978; §3-18-7, §§3-19-1 through 3-19-12, Sections NMSA 1978; §§3-20-1 through 3-20-16, Sections NMSA 1978; §§3-21-1 through 3-21-26, Sections NMSA 1978; §§3-21A-1 through 3-21A-8, Sections NMSA 1978; §§3-22-1 through 3-22-5 NMSA 1978; and Sections §§3-41-1 through 3-41-5 New Mexico Statutes Annotated (1978) (NMSA 1978) and any other applicable authority.~~

Comment [CLG3]: Revised to conform to New Mexico standard statutory citation format

Comment [CLG4]: added as a safeguard to address any other authority currently existing or that may be adopted in New Mexico statute.

~~_____ ((B)) _____~~ Whenever any provision of this chapter refers to or cites a section of the ~~New Mexico Statutes Annotated~~NMSA 1978 and that section is later amended or superseded, ~~this~~chapter shall be deemed amended to refer to the amended section or the section that most nearly corresponds to the superseded section

14-1.3 GENERAL PURPOSES

~~For the purpose of promoting health, safety, morals, or the general welfare, the City is a zoning authority and may regulate and restrict zoning; The purposes of this cChapter 14 are to:~~

Comment [CLG5]: General changes made per Clarion diagnosis §3(A) and to reduce confusion and repetition.

~~_____ (A:) i _____~~ To ~~implement the purposes of the General Plan, including guiding and accomplishing a coordinated, adjusted and harmonious development of the City which that will best promote health, safety, morals, order, convenience, prosperity or the general welfare as well as efficiency and economy in the process of development, and to ensure that the zoning regulations adopted pursuant to this chapter and restrictions of the City are to be in accordance with the General Plan; and~~

Comment [CLG6]: Capitalization throughout has been standardized, and defined terms are capitalized.

Comment [CLG7]: Text modified to conform to purposes of New Mexico statute. NMSA §3-19-9(A).

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~~____ (B) _____ P(B)B. _____~~ To provide for the coordination of streets within proposed subdivisions with existing or planned streets or other features of the General Plan, parks, trails, sewer, water and other infrastructure, adequate open space for traffic, recreation, drainage, light and air, and the distribution of population and traffic that which tend to create conditions favorable to the health, safety, convenience, prosperity or general welfare of the residents of the City.

Comment [CLG8]: Added per staff suggestion (GTS)

~~The purpose of this chapter shall be to lessen congestion in the streets and public ways; to provide safety from fire, panic and other dangers; to promote health and general welfare; to provide adequate light and air; to prevent the overcrowding of lands to avoid undue concentration of population; to facilitate the adequate provision for transportation, water, sewerage, schools, parks and other public requirements in accordance with the General Plan.~~

Comment [CLG9]: modified to reflect purposes of New Mexico statute. NMSA §3-19-6(A).

Comment [HAC10]: Retition in this section streamlined

~~____ (Ord. No. 2001-38 § 2)~~

14-1.4 MINIMUM REQUIREMENTS; UNIFORM APPLICATION

~~____ In their interpretation and application, the provisions of this Chapter 14 are minimum requirements that, adopted for the promotion of the public health, safety, convenience, comfort, morals, prosperity, or general welfare. (Ord. No. 2001-38 § 2). These minimum regulations shall apply uniformly to land within the same zoning districts and buildings of the same type.~~

Comment [CLG11]: The character of the provisions is not dependent on their use.

Comment [HAC12]: repetition eliminated

Comment [CLG13]: Relocated from 14-4

14-1.5 GENERAL PLAN

~~____~~ The General Plan shall serve as the basic policy guide for the administration of ~~this~~ Chapter 14. The General Plan serves as the statement of goals, recommendations, and policies guiding the development of the physical environment of the City; and any other geographic areas specifically addressed by the General Plan. The goals, vision, recommendations, and policies of the General Plan may be amended from time to time to meet the changing requirements of the City. Procedures for amending the General Plan are set forth in Section §14-3.2.

14-1.6 JURISDICTION AND APPLICABILITY

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____ The provisions of ~~this~~ Chapter 14 ~~shall~~ apply to all land, ~~B~~ buildings, and other ~~S~~ structures, and their ~~uses thereof,~~ located within the corporate limits, including land owned by local, ~~C~~ County, ~~S~~ State, or federal agencies to the extent allowed by law. These minimum regulations shall apply uniformly to land within the same zoning districts and buildings of the same type.

Comment [HAC14]: Need to not use "thereof", but the uses is not part of the list and so becomes nonsensical as uses. . located

Comment [CLG15]: relocated from 14-4

14-1.7 CONFLICTING PROVISIONS

This ~~Chapter 14~~ Chapter 14 is not intended to interfere with, ~~or to~~ abrogate or annul any ordinance, rule, regulation or ~~P~~ permit previously adopted or issued ~~which that~~ is not in conflict with any of the provisions of this chapter, or ~~which that shall be~~ is adopted or issued pursuant to law ~~relating to the use of buildings or structures or land and which that~~ is, likewise, not in conflict with this chapter. ~~Chapter 14 is not~~ ; nor is it intended by the ~~Zoning regulation~~ this chapter to interfere with, ~~or abrogate, or annul or enforce~~ any easements, covenants or other agreements between parties, except that if this chapter imposes a greater restriction, this chapter shall control. In the case of a conflict within this chapter, or between this chapter and any other ordinance, resolution or regulation, the more restrictive limitation or requirement shall prevail, and the provision shall govern which that requires:

Comment [CLG16]: Removed per staff suggestion (GTS)

Comment [CLG17]: Change per Clarion diagnosis §3(A).

Comment [CLG18]: Derived from Santa Fe County Land Development Code, §1(10).

____ ~~((A)A)~~ . ~~T~~ the greater width or size of Y ~~ards, courts or other O~~ open ~~S~~ spaces;

____ ~~((B)B)~~ . ~~t~~ The lower height of building or a lesser ~~number of stories;~~

____ ~~((C)C)~~ . ~~t~~ The greater percentage of lot or land to be left unoccupied; or

____ ~~((D)D)~~ . ~~o~~ Other higher standards.

Comment [CLG19]: Derived from state statute §3-21-11.

Comment [CLG20]: See diagnosis p. 28 re: effective dates issue

14-1.8 TRANSITIONAL RULES

(A) ~~z~~ v ~~Violations Continue~~

Any violation of the ~~former previous~~ Chapter 14 ~~shall~~ continues to be a violation under this chapter and ~~is shall~~ be subject to penalties and enforcement under ~~Article section~~ Article 14-11 of this chapter, unless the use, development, construction, or other activity complies with the provisions of this chapter. Payment shall be required for any civil penalty assessed under the ~~former previous~~ Chapter 14, even if the original violation is no longer considered a violation under this chapter.

(B) Approved Projects

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_____ (1) Approvals or ~~P~~permits granted under the former~~previous~~ Chapter 14 and that ~~are~~were valid on December 24, 2001 shall remain valid until their expiration date. Projects with valid approvals or ~~P~~permits may be carried out with the development standards in effect at the time of approval, ~~if provided that the approval or Ppermit or approval is valid and has not lapsed.~~

Comment [HAC21]: IS THIS DATE STILL GOOD??? WOULDN'T IT MOVE TO DATE OF ADOPTION OF THIS VERSION?

Comment [j22]: If it is valid, it can't be lapsed

_____ (2) _____ No provision of this chapter shall require any change in the plans, construction, or designated use of any structure for which a ~~B~~building ~~P~~permit has been issued prior to December 24, 2001.

Comment [HAC23]: SAME COMMENT

~~(3) _____ The Planning and Land Use Director may renew or extend the time of a previous approval if the required findings or criteria applicable to the original approval remain valid. Any extension granted shall not exceed one year in length, and no more than one extension may be granted.~~

Comment [CLG24]: Removed because unnecessary for current code revisions, and could conflict with time limit provisions

(4) _____ Any re-application for an expired project approval shall meet the standards in effect at the time of re-application.

(C) _____ Legal ~~N~~Nonconformities under Prior Ordinance

Comment [CLG25]: This section applies to nonconformities in general.

_____ Any legal nonconformity under the previous Chapter 14 ~~is~~will also be a legal nonconformity under this chapter. If a nonconformity under the previous Chapter 14 becomes conforming because of the adoption of this chapter, then the use, Sstructure or Llot situation will no longer be a nonconformity.

~~(D) _____ Uses and Structures Rendered Nonconforming~~

~~_____ (1) _____ When a lot is used for a purpose that was a lawful use before the effective date of this chapter, which and this chapter no longer classifies such use as either a permitted use or a special use in the zoning district in which it is located, such use shall be considered legally nonconforming and shall be controlled by the provisions of ArticleArticle 14-10 of this chapter.~~

~~_____ (2) _____ Where any building, Sstructure, or Llot that existed on the effective date of this chapterwhich does not meet all standards set forth in this chapter, such building, structure, or lot shall be considered legally nonconforming and shall be controlled by the provisions of SArticle 14-10 _____ of this chapter.~~

Comment [CLG26]: This is all addressed in 14-10 and is unnecessary here

14-1.9 GENERAL RULES OF CONSTRUCTION

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 (A) —Meanings and Intent

 All provisions, terms, phrases, and expressions contained in ~~this~~ Chapter 14 shall be construed according to the general purposes set out in Section 14-1.3 of this article. When, in a specific section of this chapter, a different meaning is given for a term defined for general purposes in Article 14-12, ~~the~~ the specific section's meaning and application of the term shall control.

Comment [CLG27]: We have tried to, and should endeavor to, minimize competing definitions

(B) —Headings, Illustrations and Text

 In case of any difference of meaning or implication between the text of this chapter and any heading, drawing, table, figure or illustration, the text ~~shall control~~ s.

(C) —Lists and Examples

 Unless otherwise specifically indicated, lists of items or examples that use terms such as "for example," "including," and "such as," or similar language are intended to provide examples; z not to be exhaustive lists of all possibilities.

(D) —Computation of Time

 The time in which an act is to be done shall be computed by excluding the first day and including the last day. z If a deadline or required date of action falls on a Saturday, Sunday, or holiday observed by the CCcity, the deadline or required date of action shall be the next day that is not a Saturday, Sunday or holiday observed by the CCcity. References to days are calendar days unless otherwise stated.

(E) —~~R~~References to Other Ordinances, Regulations, ~~Publications and~~ and Documents

 Whenever reference is made to a resolution, ordinance, statute, regulation, or document, it shall be construed as a reference to the most recent edition of such the resolution, ordinance, statute, regulation, resolution, ordinance, statute, regulation, or document, unless otherwise specifically stated.

(F) —Delegation of Authority

 Whenever a provision requires the head of a department or another officer or employee of the CCcity to perform an act or duty, that provision shall be construed as authorizing that department head, officer, or employee to delegate that responsibility to others over whom the person has ~~they have~~ authority.

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(G) —Technical and Nontechnical Terms

 Words and phrases shall be construed according to the common and approved usage of the language, but technical words and phrases that may have acquired a peculiar and appropriate meaning in law shall be construed and understood according to such meaning.

(H) —Public Officials and Agencies

 All public officials, bodies, and agencies to which references are made are those of the City of Santa Fe, New Mexico unless otherwise indicated.

(I) —Mandatory and Discretionary Terms

 The words "shall," "will," and "must" are ~~always~~ mandatory terms. The words "may" and "should" are discretionary terms.

(J) —Conjunctions

 Unless the context clearly suggests the contrary, conjunctions shall be interpreted as follows:

(1) — — "a" And" indicates that all connected items, conditions, provisions or events apply; and

(2) — — "o" Or" indicates that one or more of the connected items, conditions, provisions or events apply.

(K) —~~T~~Ienses and Plurals

 Words used in one tense (past, present or future) include all other tenses, unless the context clearly indicates the contrary. The singular includes the plural, and the plural includes the singular.

14-1.10 INTERPRETATIONS

 The Land Use Director is responsible for interpreting the provisions of Chapter 14, after consultation with the City attorney, as follows:

 (A) interpretations of this chapter shall be made in writing;

Comment [CLG28]: see diagnosis p. 28 re commission authority to adopt policy resolutions

Comment [CLG29]: Added per Clarion diagnosis §3(A).

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(B) interpretations may be made in response to a formal request for interpretation or as the need arises in the administration of this chapter;

(C) the Land Use Director shall make all current interpretations available for public inspection; and

(D) final actions of the land use director interpreting provisions of this chapter may be appealed pursuant to Section 14-3.17.

~~{RESERVED}~~